



**CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING**

July 2, 2025

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
  - A. Approval of the July 2, 2025 agenda.
- 4. Minutes Approval**
  - A. Approval of the June 4, 2025 meeting minutes.
- 5. New Business**
  - A. Consider variance request from Wendy and Jeffrey Wohlwend at 1012 East Salem Avenue from Section 165.05 to permit a front deck that would not meet the required front yard setback requirements.
- 6. Comments**
- 7. Adjourn**



## CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

June 4, 2025

6:00 PM

City Council Chambers

Minutes

### 1. Call to Order

The meeting was called to order at 6:00 pm.

### 2. Roll Call

Members present: Amy Mitchell, Jane Whalen, Rene Soldwisch, Lee Bash, Deidre Hoover.

All members present.

Staff members present: Bill Mettee, Tara Bosteder, Jacob Meshke.

### 3. Agenda Approval

A. Approval of the June 4, 2025 meeting agenda.

Soldwisch made a motion to approve the agenda.

Mitchell seconded the motion.

Motion was passed with a unanimous vote.

### 4. Minutes Approval

A. Approval of the February 19, 2025 meeting minutes.

Soldwisch made a motion to approve the meeting minutes.

Hoover seconded the motion.

Motion was passed with a unanimous vote.

### 5. New Business

A. Consider Special Use Permit from Deven Sapkota to operate a liquor store in a C-2 district at 1709 North Jefferson Way.

Mettee presented the permit request and related staff report.

There were no questions or comments.

Whalen made a motion to approve the permit as submitted.

Soldwisch seconded the motion.

Motion was passed with a unanimous vote.

B. Consider Variance Request from Pizza Ranch at 1709 North Jefferson Way from Section 165.10 to permit signage that exceeds the maximum allowable square footage.

Mettee presented the variance request and related staff report.

Pizza Ranch has opted to apply for this variance versus downsizing the signage to conform with the ordinance regulations.

Whalen made a motion to approve the request as submitted.

Mitchell seconded the motion.

Motion was passed with a unanimous vote.

- C. Consider Variance Request from Joseph and Kristi Kerner at 1008 North 7<sup>th</sup> Court to permit an addition that would not meet the required rear yard setbacks.

Mettee presented the variance request and related staff report.

The addition will match the existing house.

The property behind this house is zoned residential.

Mitchell made a motion to approve the request as submitted.

Soldwisch seconded the motion.

Motion was passed with a unanimous vote.

- D. Consider Special Use Permit from Tower North Development, LLC for a wireless telecommunications facility in the C-2 district at 1801 West 2<sup>nd</sup> Avenue.

Mettee presented the permit request and related staff report.

Alex Trueman, representing Tower North, explained that this project is being driven by the increased network demand in this area. He explained that the tower is engineered to withstand wind speeds of up to 110 miles per hour and is designed to collapse within itself. He said there has been zero evidence of any health risks or impacts from this tower. He continued that the Federal Communications Commission (FCC) issues licenses and regulates the frequencies used to prevent interference within frequencies. It is illegal for users to operate outside of what they've been licensed for through the FCC. He said the location selected for this tower was picked specifically by the radio frequency engineer at Verizon to limit the number of towers needed to support the area, but still able to communicate with the other nearby towers and enhance the network. He added that these towers run autonomously and there won't be any added traffic unless something breaks and a repair is required. At ground level, the tower is fenced in to prevent public access. Additionally, there is a cabinet situated on a poured concrete base.

Stan McAninch, community member, voiced his opposition to the tower and would like to see the location of the tower moved to outside of town.

Debbie Lawrence, property manager, spoke to the improvements that have been made to the property over recent years. She said they do take great care to try to create a view that is pleasant, including on the back side of the property. She stated they understand the need for tower, support the project, and are open to planting trees or shrubbery in the area to help improve the visual aspect. She added that the benefit of the increased coverage the tower

would provide would help make the surrounding commercial properties more attractive for new businesses.

Joe Bedwell, representing Indianola First Assembly of God, voiced his concerns about potential future problems with the wireless technologies that the church uses, such as receiver desensitization. Mr. Trueman responded that if the church would provide the technical specifications of the equipment they use, he said they could complete a non-interference evaluation. He added that the FCC still regulates frequencies even when there is equipment that isn't FCC licensed; for example, walkie-talkies might not be licensed, but they are still FCC regulated and the manufacturers are required to withhold by that and ensure that they don't operate within frequencies they aren't allowed in. He said anything that has a signal is regulated by the FCC in some manner.

The outlot adjacent to where the tower is going to be located is zoned commercial. If someone in the future wants to build there, they would need to submit a site plan and associated documents for review.

Whalen made a motion to approve the permit with the condition that a landscape buffer must be planted on the south side of the tower base.

Soldwisch seconded the motion.

Motion was passed with a unanimous vote.

## **6. Comments**

This meeting was Amy Mitchell's last Board of Adjustment meeting.

On July 9, 2025, there is a mandatory training event for all elected and appointed officials. Further information will be sent to those who are required to attend.

Jacob Meshke, new city manager, was introduced to the Board.

## **7. Adjourn**

Mitchell made a motion to adjourn the meeting.

Hoover seconded the motion.

The meeting was adjourned at 6:54 pm.



**STAFF REPORT**

<b>TO:</b> Board of Adjustment	<b>PREPARED BY:</b> Bill Mettee, Senior Planner
<b>RE:</b> 1012 East Salem Avenue	<b>DATE:</b> July 2, 2025

**GENERAL INFORMATION:**

**Applicant / Owner:** Wendy and Jeffrey Wohlwend

**Requested Action(s)** Variance from §165.05 of the Indianola Municipal Code which states that “Front stoops, stairs, decks and porches may encroach up to 6’ into the required front yard setback.” The applicant wishes to construct an uncovered deck that extends 11’ into the allowable required front yard setback.

**Location and Size:** Addressed as 1012 East Salem Avenue, which is located on the north side of East Salem Avenue and west of North 9<sup>th</sup> Street, containing 0.28 acres.

**Land Uses and Zoning:**

Location	Existing Land Use	Comprehensive Plan	Current Zoning
Property in Question	Single Family Residential	Low-Density Residential	R-1
North	Single Family Residential	Low-Density Residential	R-1
South	Single-Family Residential	Low-Density Residential	R-2
East	Single-Family Residential	Low-Density Residential	R-1
West	Single Family Residential	Low-Density Residential	R-1

**BACKGROUND:**

The subject property is located on the north side of East Salem Avenue west of North 9<sup>th</sup> Street. The property is approximately 81’ x 150’ and 0.28-acres in area. The property has an existing single-family home built on it, as well as an attached garage. The applicant is requesting a variance to allow the construction of an 11’ x 15’ uncovered front deck that will encroach into the required rear yard by approximately five (5) feet. City code allows uncovered front decks to encroach into the front yard setback up to six (6) feet.

**CODE SECTIONS RELATED TO THE REQUESTED VARIANCE:**

**§165.05 Residential Zoning Districts Building Bulk and Density Regulations Table. “Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback.”**



**ABOVE:** Site plan of the property showing the requested accessory structure variance. The **RED** square shows the location of the proposed uncovered deck.

**ANALYSIS:**

Variations are designed to grant relief from the Ordinance, which if strictly imposed would deny a property owner reasonable use of the land and would therefore create undo hardship. An applicant is required to prove that a hardship exists by demonstrating that the overall integrity of the area will not be diminished, a reasonable use cannot be made, the situation is unique, and the hardship is not self-imposed. Wendy and Jeffrey Wohlwend, the property owners, have submitted the attached Board of Adjustment application form dated June 9, 2025, stating arguments in favor of the requested variance. Notice of the proposed variance request was mailed to surrounding property owners within a 200-foot radius on Wednesday June 18, 2025. At the time this report was written, staff has not received any correspondence for or against the request.

**Hardship**

In order to prove that a hardship exists and is not self-imposed, the applicants must prove that a literal interpretation of the provisions of the Ordinance deprive the applicants' rights commonly enjoyed by other properties in the same district. The applicant has noted that the previous deck had to be removed with I&I inspections and faulty pipes. With no deck, the property owners wish to replace the old deck with a new, nicer and larger uncovered front deck.

**Uniqueness**

In order to prove that the requested variance is unique to the property, the applicants must indicate proof of special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings. While not unique, other homes in the area have uncovered front decks, some larger than others. The homeowners were required to remove the previous deck and now wish to replace the deck with something larger, nicer and more functional.

**Public Interest and Integrity**

The applicant has noted that the granting of the variance will not be contrary to the public interest or overall neighborhood integrity.

**Staff Recommendation**

Staff recommends **approval** of the variance request as presented.

General findings of fact:

- The applicant wishes to construct an 11' x 15' uncovered deck to the front of the home.
- Uncovered decks are permitted to extend 6 ft into the required front yard setback. The applicant is seeking a variance of 5 ft.
- The current structure appears to meet all current setback and bulk regulations.

If there is information related to the application that has not been included with the packet that you feel would be beneficial to have available to you at the meeting, please contact me with those items and I will attempt to arrange for their availability.

**CITY OF INDIANOLA**

Bill Mettee  
Senior Planner

**Attachments**

- I. Completed Board of Adjustment Application – Dated 06/09/2025
- II. Public Notice sent by City – 06/18/2025

# BOARD OF ADJUSTMENT APPLICATION

## Community Development

110 North 1<sup>st</sup> Street, Indianola, Iowa 50125-0299  
 (515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)



### PROPERTY OWNER

(Last Name) Wohlwend  
 (First Name) Wendy  
 (Address) 1012 E Salem Ave  
 (City) Indianola (State) IA (Zip) 50125  
 (Phone) 515-321-7823 (Email) wendylynn1017@yahoo.com

### APPLICANT (if not Property Owner)

(Last Name) \_\_\_\_\_  
 (First Name) \_\_\_\_\_  
 (Address) \_\_\_\_\_  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_  
 (Phone) \_\_\_\_\_ (Email) \_\_\_\_\_

**APPEAL**

**Submittal Requirements:**  
*All submittal requirements must be completed. Incomplete applications will not be considered*

Completed Application  
 Filing Fee: \$300 per request  
 Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa.  
 Other Information as required by Director

**SPECIAL USE PERMIT**

**Submittal Requirements:**  
*All submittal requirements must be completed. Incomplete applications will not be considered*

Property Address: \_\_\_\_\_  
 Completed Application  
 Filing Fee: \$300 per request  
 Site Plan and Elevations as outlined in 165.06  
 Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa  
 Other Information as required by Director

**VARIANCE**

**Submittal Requirements:**  
*All submittal requirements must be completed. Incomplete applications will not be considered*

Property Address: 1012 E. Salem Ave.  
 Completed Application  
 Filing Fee: \$300 per request  
 Site Plan and Elevations  
 Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa  
 Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature Wendy Wohlwend  
 Name (printed) Wendy Wohlwend

Date 6-9-2025

**FOR OFFICE USE ONLY:** Code to 45180  
 Date Received: June 9, 2025  
 Receipt No: \_\_\_\_\_  
 Receipt Amount: \$300  
 BOA Agenda Date: July 2, 2025



Wohlwend





Wohlwend

Wendy Wohlwend 1012 East Salem Ave.

Front porch deck

East to west length 15'5" not including stairs

North to south width 11"

East end of the deck will have 4x4 posts treated, one on the north end by the house and one on the south side at end/corner and one in between the north and south post.

South side of the deck closest to the street, will have bench seating running east to west, beginning at the east 4x4 post running 10'5" west tying into the 4x4 post on the front (south) of deck from this post the deck will have railing with top and bottom rails and balusters. (This section will match the railing on the east side of the deck and railing on the west side of the deck.)

The railing at the furthest point on the southwest corner will extend north to the edge of sidewalk running north to the house and ending.

The bench will not have railing as it will be less than 30 inches tall.

There will be two or three steps on the west end lining up with the present sidewalk. The steps will have the necessary newel posts, balusters, and handrails on the west end.

The sidewalk inner edge from the house is 6'5" from the house putting the current ordinance in the middle of our sidewalk. We are asking for the deck to go outside the outer edge of the sidewalk by the house.

We want the deck to be put on our house as the original one on our house had to be torn out when the I & I inspections were carried out. We were informed that the pipes from our house needed repair and were told we had to tear out our porch and steps for the city to get to the pipes for repair. We did this and then were informed that they were incorrect about where they needed to be and instead need to be at the corner of the house, so we had to tear out the bushes there to complete the project of the I & I. We would like to put this deck on the house to make things to be back to fully functional and for the beautification of the neighborhood.

Wendy Wohlwend  
6-9-25



## NOTICE OF PUBLIC HEARING

June 17, 2025

Re: Proposed Variance – 1012 East Salem Avenue

Dear Property Owner:

The City of Indianola has received a variance application from Wendy and Jeffrey Wohlwend, property owners of 1012 East Salem Avenue, which is located north of East 2<sup>nd</sup> Avenue and west of North 9<sup>th</sup> Street. The owner has filed for a variance from §165.05 of the Indianola Municipal Code which states that “Front stoops, stairs, decks and porches may encroach up to 6’ into the required front yard setback.” The applicant is requesting the variance to permit an uncovered front deck that would encroach 11-feet into the required 30-foot front yard setback.

The Indianola Board of Adjustment will hold a public hearing at **6:00 p.m., Wednesday, July 2, 2025, at Indianola City Hall, City Council Chambers, 110 North 1<sup>st</sup> Street, Indianola, IA.**

§165.02 of the Indianola Municipal Code states that the Board of Adjustment has the power to “To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner’s property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance..” Such a variance cannot be granted unless it meets certain criteria.

All interested parties are invited to attend the public hearing and express their opinions pro or con. Any written comments received on or before this date by the City Zoning Administrator will be considered to be part of the hearing as well. If you have any questions concerning the application or if you would like additional information, please call the Community Development Department at 515-961-9430 or by email at [bmettee@indianolaiowa.gov](mailto:bmettee@indianolaiowa.gov)

Sincerely,

Bill Mettee  
Senior Planner

